



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



March 14, 2007

Representative James G. Phinizy, Chairman
Environment and Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

Subject: HB 672, an act establishing a commission to study requirements for safe and secure landfills

Dear Chairman Phinizy and Members of the Committee:

HB 672 seeks to establish a commission to study whether the state can or should create and operate secure landfills to be used primarily for the disposal of construction and demolition debris and other items that cannot be recycled or reused and which are generated from within this state. The New Hampshire Department of Environmental Services (DES) supports this bill.

The issues involving construction and demolition debris (C&D) are both technically complex and legally challenging. There have been a number of bills introduced in the New Hampshire General Court to deal with these issues over the past two legislative sessions. A long-term solution to management of these materials will require further discussion of the available policy choices. DES supports creation of a commission to study whether a safe and secure landfill would help to solve issues about how we manage C&D in New Hampshire.

While DES supports this bill, we are concerned about the proposed membership of the commission. Since the duties of the commission include investigation into the technical, health risk, and legal issues surrounding establishment of a secure landfill, and potential flow control involving C&D, representatives of DES and the New Hampshire Department of Justice should participate in the study and would provide valuable membership. DES recommends that the portion of HB 672 that establishes membership of the commission be amended as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives;
- (b) Three members of the senate, appointed by the president of the senate;
- (c) Two members from the business or industrial community, appointed by the governor;
- (d) Two members from the environmental community, appointed by the governor;

(e) The commissioner of the department of environmental services or his designee;

(f) The attorney general or her designee

DES appreciates the opportunity to testify in support of this bill. If you have any questions regarding this letter of testimony, please do not hesitate to call me at 271-2958 or Waste Management Division Director Tony Giunta at 271-2905.

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is fluid and cursive, with a large "S" in the middle. A red circular stamp is partially visible over the signature.

Thomas S. Burack
Commissioner

cc: Rep. Christine Hamm
Rep. Priscilla Lockwood
Rep. Alida Millham
Sen. Martha Fuller Clark
Sen. Harold Janeway